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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Report on the meeting of the Working Group on Firearms held in Vienna on 2 and 3 May 2018

I. Introduction

1. In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

2. In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

3. In its resolution 7/1, entitled "Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference decided that the Working Group on Firearms would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed.

4. In its resolution 8/3, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the Conference acknowledged that the Working Group on Firearms serves as a useful network of experts and competent authorities in

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order to improve international cooperation, exchange of information and good practices related to illicit firearms trafficking.

II. Recommendations

5. At its meeting held in Vienna on 2 and 3 May 2018, the Working Group on Firearms adopted the recommendations presented below for consideration by the Conference.

A. General recommendations

Recommendation 1

Acknowledging that trafficking in firearms is a transnational threat that is often linked to organized crime, including drug trafficking and terrorism, and that the availability and accessibility of firearms, their parts and components and ammunition to organized criminal groups increases the destructive power of such groups and provides them with the material and financial means to pursue their goals and perpetuate their existence, Member States should take all appropriate action to prevent such groups from acquiring those items.

Recommendation 2

Acknowledging that illicit firearms trafficking facilitates organized crime and the commission of terrorist acts and undermines the achievement of the 2030 Agenda for Sustainable Development, Member States should consider developing integrated and holistic approaches and national strategies or action plans to prevent and counter illicit trafficking in firearms, their parts and components and ammunition, in particular in the context of transnational organized crime and terrorism.

Recommendation 3

Recognizing that the full and effective implementation of the United Nations Convention against Transnational Organized Crime and its supplementary Firearms Protocol provides a meaningful basis for preventing and combating the illicit manufacturing of and trafficking in firearms, and its links to organized crime and terrorism, the Conference may wish to call upon all Member States that have not yet done so to consider becoming parties to the Firearms Protocol and to fully implement its provisions.

Recommendation 4

The Conference may wish to request the United Nations Office on Drugs and Crime (UNODC) to continue to assist Member States in addressing the threats posed by illicit trafficking in firearms, their parts and components and ammunition and its links to other serious crimes, and in preventing organized crime and terrorist groups from acquiring firearms, and to that end, to call upon Member States to provide the necessary technical and financial assistance to support developing countries.

B. Recommendations on specific topics

1. Recommendations on legislative measures

Recommendation 5

Member States should enhance, where necessary, their national legal and institutional frameworks to address the interconnected challenges posed by illicit trafficking in firearms and other crimes such as organized crime and terrorism, and to request UNODC to provide assistance to requesting States in that regard.

Recommendation 6

Member States should revise and strengthen their national firearms legislation in order to identify legislative gaps and potential loopholes that could facilitate the access of criminal or terrorist groups to firearms and their diversion into the illegal market, taking into account emerging threats and technological developments, by reinforcing, inter alia, their provisions on manufacturing, deactivation and conversion, and strengthening national transfer and licensing controls.

2. Recommendations on preventive, security and regulatory measures

Recommendation 7

The Conference may wish to consider requesting the Working Group to address the topic of practical measures aimed at enhancing the control and traceability of firearms and implementing innovative technological solutions in order to overcome the challenges posed by the frequent obliteration and erasing of markings on firearms used by criminal and terrorist groups, such as, inter alia, by introducing radio frequency identification microchips into weapons during their assembly process.

Recommendation 8

Taking into account that comprehensive records and adequate marking are pre-requisites for effective tracing, Member States should consider the importance of maintaining records on firearms for as long as possible and strengthening the capacity of law enforcement officers to efficiently use the available databases with a view to investigating concrete criminal cases involving illicit firearms and trafficking in firearms.

3. Recommendations on law enforcement and criminal justice

Recommendation 9

Member States are invited to consider establishing multidisciplinary pools of prosecutors in charge of cases involving organized crime, terrorism and trafficking in firearms, in order to better address those interconnected threats.

Recommendation 10

Member States should provide adequate capacity-building and training for law enforcement and judicial officials, including prosecutors and judges, in order to deal with complex crimes involving multiple offences, including illicit trafficking in firearms, and UNODC should support requesting Member States in that endeavour.

Recommendation 11

States parties should be urged to undertake efforts to reinforce their border control cooperation, and to strengthen the capacities of police and customs officials in identifying firearms and their parts and components and detecting trafficking through tailored risk assessments and profiling techniques, specialized equipment and enhanced capacity-building. To that end, UNODC should support requesting Member States in such efforts, through, inter alia, the provision of specialized training and adequate tools and equipment, and the exchange of good practices.

Recommendation 12

Member States should consider strengthening their early-detection capacities to prevent the diversion of and illicit trafficking in firearms, their parts and components and ammunition, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls on land, at sea and in the air, and through specialized training for law enforcement, customs and judicial authorities, importers and exporters and other relevant actors.

Recommendation 13

With a view to ensuring that criminal organizations responsible for trafficking in firearms are identified and their leaders are brought to justice, States parties should consider sharing information on seized firearms that have been illicitly trafficked into their territory, and ensure that further investigations are initiated, in follow-up to tracing requests, in the country where the last legal record of the firearms was identified.

4. Recommendations on international cooperation and information exchange

Recommendation 14

Member States should further strengthen their law enforcement and judicial cooperation in cases involving illicit trafficking in firearms, for the purpose of gathering and exchanging information and evidence that can support criminal investigations in court.

Recommendation 15

States parties are encouraged to cooperate more closely with each other and to consider establishing joint investigative teams to conduct international investigations in order to counter the transnational phenomenon of trafficking in firearms, including when such trafficking is linked to other forms of organized crime and terrorism.

Recommendation 16

The Conference may wish to consider requesting the Working Group to address the topic of exchange of information on trends and policies with respect to the craft production of firearms, their parts and components and ammunition.

Recommendation 17

The Conference may wish to consider requesting the Working Group to address the topic of trends identified and efforts undertaken with regard to the detection and dismantling of trafficking crimes perpetrated by means of the darknet and cryptocurrencies, in order to reduce illicit trafficking in firearms, their parts and components and ammunition.

Recommendation 18

States parties that have not yet done so should consider establishing a national focal point within their existing legislation and within a competent national authority, in charge of conducting and coordinating relevant actions and initiatives related to firearms control, such as marking, tracing, record-keeping, the collection and sharing of data and supporting or conducting investigations in cases involving illicit firearms, and to facilitate cooperation and information exchange with other countries and relevant organizations, and where applicable, to act as a liaison for the implementation of the Firearms Protocol.

Recommendation 19

Underlining the importance of tracing as an essential measure in identifying illicit firearms flows, Member States are invited to consider establishing national tracing and ballistic centres in support of systematic and centralized data collection and analysis for the purpose of establishing a comprehensive intelligence picture.

Recommendation 20

Member States are encouraged to periodically exchange information at the regional and subregional levels on emerging threats related to illicit trafficking in firearms with a view to detecting and identifying those threats at an early stage and raising the

awareness of other countries that might, owing to their geographic proximity, face similar issues.

Recommendation 21

The Conference may wish to request UNODC to continue to play a leading role in facilitating and encouraging the regular sharing of data, information and experiences among Member States, in accordance with the relevant recommendations adopted at the previous meetings of the Working Group.

Recommendation 22

Member States are encouraged to consider concluding, where appropriate, memorandums of understanding with strategic partner countries to facilitate operational cooperation and information exchange in the context of preventing and combating trafficking in firearms, including when such trafficking is linked to other forms of organized crime or terrorism.

Recommendation 23

The Conference may wish to acknowledge the importance of promoting cooperation and coordination among secretariats and equivalent governing bodies supporting relevant international and regional instruments and mechanisms, bearing in mind the different parties to those instruments and mechanisms and their alignment with target 16.4 of the Sustainable Development Goals, and in that regard, to request the Working Group to continue to promote such cooperation and coordination.

5. Recommendations on monitoring illicit arms flows

Recommendation 24

Acknowledging the importance of enhanced data collection and analysis relating to illicit firearms flows, States parties are encouraged to revise and enhance their national data collection practices and tools, and to participate in and contribute to the upcoming data collection cycle of UNODC, with a view to identifying trends and patterns related to illicit trafficking in firearms, fostering information exchange and enabling the global monitoring of indicator 16.4.2 of the Sustainable Development Goals.

III. Summary of deliberations

6. At its 1st meeting, on 2 May 2018, the Working Group considered agenda item 2, entitled "Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals."

7. The discussion under agenda item 2 was facilitated by Belala Djilali, General Prosecutor of Algeria, on behalf of the Group of African States; Fabio Marini, Principal Administrator in the Directorate-General, Migration and Home Affairs, European Commission, on behalf of the European Union; José Romero Morgan, Lieutenant Colonel of the Guardia Civil of Spain, Head of Unit of the Central Division for Firearms and Explosives of the Ministry of Interior of Spain and Driver of the firearms priority area of the European Multidisciplinary Platform against Criminal Threats (EMPACT), on behalf of the Group of Western European and other States; and Marcus Vinicius da Silva Dantas, Federal Police Commissioner of Brazil, Division for the Repression of Crimes against Property and Trafficking in Firearms, on behalf of the Group of Latin American and Caribbean States.

8. The representative of the Group of African States delivered a presentation on his country's experience in responding to the links between trafficking in firearms, organized crime and the commission of terrorism offences. He identified a link

between firearms trafficking and drug trafficking, the proceeds of which provided a source of funding for terrorist groups, and said that the actors of those crimes were being brought to justice. He noted that the adoption of appropriate legislation, including criminal provisions, in accordance with the Firearms Protocol, enhanced border control and judicial cooperation with international and regional organizations and with neighbouring countries. He also called for enhanced international cooperation and encouraged other States to adopt adequate legislation in order to implement the provisions of the Firearms Protocol.

9. The representative of the European Union described the actions undertaken by the European Union to address the links between illicit trafficking in firearms and other crimes, and referred in particular to three fundamental elements related to its implementation of the Firearms Protocol. First, he mentioned the revision of relevant legislation to more strictly control the marking of weapons and essential components manufactured in the European Union, as well as access to other types of weapons, including appropriate definitions for them, and the introduction of technical standards for the deactivation of weapons. Second, he highlighted the importance of enhanced law enforcement cooperation with European Union member States as well as neighbouring countries and other strategically important countries. Lastly, he emphasized the importance of research into firearms trafficking within the European Union and the exchange of information among European Union member States, for which a better use of existing databases was necessary, and underlined that the European Union had started to enhance those databases together with strategic partners such as UNODC and the Flemish Peace Institute, among others.

10. The representative of the Group of Western European and other States spoke about the efforts to implement the firearms priority area of EMPACT, both in terms of his country's experience in that regard and in the context of the European Union. In that connection, he described the priority areas of the EMPACT platform and its focus, which was to counter the threat of serious and organized crime, and highlighted the importance of coordination among all relevant actors. He discussed the issues that had been identified as priorities for action, such as preventing the diversion of firearms into the black market, cooperation with European Union member States and other countries, in particular those in the Balkans and the Middle East and North Africa, and countering the threat posed by deactivated weapons and the illicit conversion of weapons. Moreover, he provided examples of relevant law enforcement operations and emphasized the importance of collecting and generating data and intelligence. He stressed the importance of establishing national focal points to facilitate and enhance cooperation, and the importance of multidisciplinary interventions, including legislative reviews and research, data collection and analysis, and cooperation at all levels. In the second part of his presentation, he drew attention to the legal firearms control model of Spain and the country's comprehensive efforts to counter illicit trafficking. He briefly explained the model, highlighting the importance of the comprehensive control regimen that is carried out in Spain and the lessons learned in the course of the country's leadership of the firearms priority area of the EMPACT platform.

11. The representative of the Group of Latin American and Caribbean States highlighted the interconnectedness of firearms trafficking and organized crime and gave a presentation on the experience of his country in combating firearms trafficking, which included information on regional cooperation and cooperation with relevant countries, stressing the value of international cooperation to identify networks of criminal organizations by opening investigations in the countries maintaining the last legal record of seized firearms. He shared best practices regarding the identification and marking of weapons and ammunition acquired by public law enforcement agencies, the importance of mutual legal assistance for the formal collection of evidence, border inspection and the use of surveillance technology. In addition, underscoring the importance of tracing firearms and analysing the tracing results, he described the creation of the Federal Police National Tracing Centre in Brazil and said that developing new ways of effectively marking firearms remained one of the

main challenges for the firearms industry. He also stressed the importance of ensuring that data and information on seized and surrendered arms is centralized, and of conducting thorough data analysis in support of better understanding the phenomenon and devising tailored investigative and operational responses to the threats of firearms trafficking and organized crime.

12. Following their presentations, the panellists exchanged additional information with the delegates in attendance in response to several questions and comments. Among the main issues raised, was the need for further training and capacity-building for practitioners, experts and authorities in relation to investigation and tracing, and it was noted that UNODC had already been undertaking efforts in that regard, which needed to be further strengthened.

13. The importance of harmonizing legislation regionally, internationally and/or with strategically important countries in order to facilitate and strengthen international judicial cooperation was highlighted. In addition, it was noted that, even where countries did not have the same crime typology in their legislation, other offences and/or the Firearms Protocol could provide the context for carrying out international cooperation. The importance of establishing national focal points and having standardized structures in each country to facilitate such cooperation was also mentioned. Moreover, effective border control was identified as a key measure in preventing and countering illicit trafficking in firearms, in particular outside of official border crossing points.

14. At its 2nd meeting, on 2 May 2018, the Working Group continued its deliberations under agenda item 2. Many speakers emphasized the importance of effective and timely training for law enforcement, customs and border officials on the detection of illicitly trafficked firearms, their parts and components and ammunition. It was stated that training was needed in order to strengthen the capacity of the judiciary to properly prosecute and adjudicate cases of firearms trafficking and related offences. Several speakers mentioned the challenges presented by illicit trafficking along long borders and by sea. Several speakers underlined the importance of cooperating with the private sector to improve the marking of firearms, in particular with regard to information-sharing and the establishment of best practices.

15. Many speakers shared their national experiences in addressing the links between organized crime and terrorism, which in many cases were mutually reinforcing, as terrorist groups increasingly engaged in transnational organized criminal activities in order to finance their terrorist activities, including through illicit trafficking in firearms, drugs and persons. One speaker shared an example of terrorists collaborating with a drug trafficking organization. The need to respond to the challenge posed by the use of the darknet for illicit firearms trafficking was also noted. Many speakers stated that authorities in their countries had seized a large number of explosives in addition to firearms.

16. The Working Group also exchanged information on national efforts to adopt or review legislation to implement the Firearms Protocol and other relevant legal instruments. Several speakers noted that those efforts had been supported by UNODC and other international and regional organizations, and called for enhanced technical assistance, from both intergovernmental organizations and other States. Cooperation within regional organizations such as the Association of Southeast Asian Nations, the Economic Community of West African States, the European Union, the Group of Five for the Sahel and the Organization of American States was mentioned in the context of enhancing international cooperation. Many speakers also shared their experience in enhancing the effectiveness of tracing, including through the continuous exchange of information.

17. At its 3rd meeting, on 3 May 2018, the Working Group considered agenda item 3, entitled "Preparation of the questionnaire to review the implementation of the Firearms Protocol". Several speakers recalled the mandate contained in Conference resolution 8/2 regarding the preparation of the questionnaire, namely, that it should be a short, precise and focused self-assessment tool for practitioners to assess the

implementation of the Firearms Protocol. It was also stated that the language of the questionnaire should be consistent with that contained in the Firearms Protocol, and it was suggested that, in order to streamline the questionnaire, optional provisions, measures and/or questions that went beyond the scope of the questionnaire or that were open-ended could be placed in an optional annex to the questionnaire.

18. The Working Group began carrying out a second detailed reading of the draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, as contained in a non-paper (CTOC/COP/WG.6/2018/CRP.1), but was unable to complete it. Delegates provided specific comments and amendments to the text, which was projected on-screen and edited by a representative of the Secretariat. In concluding the deliberations on agenda item 3, the Chair requested the Secretariat to prepare a new version of the draft questionnaire on the basis of the comments that had been made during the deliberations and that had been recorded in the text, and to circulate that version as a non-paper. The Chair also requested the Secretariat to make available on the website of the Working Group the text as projected on-screen, for information and reference purposes.

19. During the deliberations under agenda item 3, it was recommended that, once the negotiations for the preparation of all four questionnaires, related to the Convention and its three Protocols, had concluded, it would be necessary for either the extended Bureau of the Conference, another expert meeting and/or the Conference to review all the questionnaires again in order to eliminate incongruities and duplications among the texts. Such a review could also address the outstanding issue of whether to include questions on the provisions that related to the mutatis mutandis application of the Convention in each of the Protocol questionnaires or only in the Convention questionnaire.

IV. Organization of the meeting

A. Opening of the meeting

20. The sixth meeting of the Working Group on Firearms was held in Vienna on 2 and 3 May 2018.

21. The meeting was opened by Guillermo Fonseca Leal (Mexico), Chair of the Working Group. He addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

22. At the opening of the meeting, a statement was made by the representative of the European Union on behalf of the States members of the European Union.

B. Statements

23. Under agenda item 2, statements were made by representatives of the following parties to the Firearms Protocol: Algeria, Argentina, Belgium, Brazil, Burkina Faso, Chile, the European Union, Mali, Mexico, Morocco, Nigeria, Paraguay, Peru and Turkey. Statements were also made by the representatives of China, a signatory State, and by the observers for the non-signatory States Chad, France, Indonesia, the Niger and the United States of America.

24. With the Chair presiding, the discussion under item 2 was led by the following panellists: Belala Djilali (Algeria), Fabio Marini (European Union), José Romero Morgan (Spain) and Marcus Vinicius da Silva Dantas (Brazil).

25. Under agenda item 3, statements were made by representatives of the following parties to the Firearms Protocol: Algeria, Argentina, Brazil, Burkina Faso, Costa Rica, Cuba, the European Union, Italy, Mexico, Peru, Romania and Switzerland. Statements

were also made by the signatory States Canada and China, and by the observers for the non-signatory States France, Iran (Islamic Republic of) and the United States.

C. Adoption of the agenda and organization of work

26. At its 1st meeting, on 2 May 2018, the Working Group adopted by consensus the following agenda, as orally amended:

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals.
3. Preparation of the questionnaire to review the implementation of the Firearms Protocol.
4. Other matters.
5. Adoption of the report.

D. Attendance

27. The following parties to the Firearms Protocol were represented at the meeting: Albania, Algeria, Angola, Argentina, Armenia, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechia, Dominican Republic, Ecuador, El Salvador, European Union, Ghana, Greece, Hungary, Iraq, Italy, Kuwait, Lebanon, Libya, Mali, Mexico, Morocco, Netherlands, Nigeria, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, South Africa, Spain, Switzerland, Tunisia, Turkey, Ukraine, Uruguay and Venezuela (Bolivarian Republic of).

28. The following States signatories to the Firearms Protocol were represented by observers: Canada, China, Germany, Japan, Luxembourg and United Kingdom of Great Britain and Northern Ireland.

29. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Bolivia (Plurinational State of), Chad, Colombia, Egypt, France, Indonesia, Iran (Islamic Republic of), Malta, Namibia, Nepal, Niger, Pakistan, Philippines, Russian Federation, Singapore, Sri Lanka, Tajikistan, United Arab Emirates and United States.

30. The following intergovernmental organizations were represented by observers: Commonwealth of Independent States, European Union Agency for Law Enforcement Cooperation (Europol), Gulf Cooperation Council, Organization for Security and Cooperation in Europe, Police Community of the Americas (Ameripol), RACVIAC — Centre for Security Cooperation, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and World Customs Organization.

31. A list of participants is contained in document CTOC/COP/WG.6/2018/INF/1/Rev.1.

E. Documentation

32. The Working Group had before it the following:

(a) Annotated provisional agenda (CTOC/COP/WG.6/2018/1);

(b) Background paper prepared by the Secretariat on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals (CTOC/COP/WG.6/2018/2);

(c) Background paper prepared by the Secretariat on activities of the United Nations Office on Drugs and Crime to promote ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2018/3);

(d) Non-paper containing a draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, in accordance with resolution 8/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2018/CRP.1);

(e) Note by the Secretariat containing a questionnaire on illicit arms flows (CTOC/COP/WG.6/2018/CRP.2).

V. Adoption of the report

33. On 3 May 2018, the Working Group adopted the present report on its meeting.